

Application No.: 10/730,525
Response dated: June 15, 2005
Reply to Office Action March 24, 2005

REMARKS

Reconsideration of the present claims, in light of the attached claim amendments and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1-3, 6-13, and 15-34, claims 35-74 having been withdrawn as directed to a non-elected invention. Applicants reserve the right to prosecute the non-elected claims in the future, without prejudice.

Support for the amendments to claim 1 may be found in claims 4, 5, and 14 as filed.

The numbering in this response will follow that of the Examiner's Action.

Restriction Under 35 USC § 121

1. & 2. Restriction to one of the following inventions is required under 35 U.S.C. 121.

- I. Claims 1-34, drawn to an olefin polymerization process, classified in class 526, subclass 160.
- II. Claims 35-79, drawn to a supported catalyst and method of making it, classified in class 502, subclass 103.

Applicants affirm the election of the claims of Group 1 (Claims 1-34) without traverse.

3. & 4. No response necessary.

5. Applicants have noted the inventorship is the same for all claims.

Rejections Under 35 USC § 112

6. *Claims 1-34, stand Rejected under 35 USC § 112, second paragraph.*

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The Examiner states that while the specification is enabling for a few particular metallocenes, and one particular support, enablement is not provided for any other reagents.

Applicants reject this assertion. First, a person of ordinary skill in the pertinent art could make and use all the claimed compounds claimed. Second, if the Examiner has specific knowledge of prior art references that would preclude any of the claimed embodiments from patentability, Applicants urge disclosure of same. Absent such references, the claims are fully enabled and withdrawal of the Rejection is respectfully requested.

7. *Claims 1-3 and 4-5 stand Rejected under 35 USC § 112, second paragraph.*

The Examiner complains that the last three lines of Claim 1 are merely aspirational. Contrary to the Examiner's assertion, the last three lines relating to catalyst activity and bulk density are shown to be more than aspirational in the examples.

Withdrawal of the Rejection is respectfully requested.

Rejections Under 35 USC § 103 or 35 USC § 102

8. & 9. No Response necessary.

10. *Claims 1-4, 6-23, and 26-34, stand Rejected under 35 USC § 102 (b) as Anticipated or in the alternative, under 35 USC § 103 (a) as Obvious over US 5,001,205 (Hoel) .*

Hoel does not disclose or suggest the polyethylene elements of Claim 1 as amended. Accordingly, Hoel neither Anticipates nor renders Obvious the present claims..

Withdrawal of the Rejections is respectfully requested

11. *Claims 1-3, 6-23, 26-34 stand Rejected Under 35 U.S.C. § 102(b) as Anticipated by EP 0 767 184 (Kuramoto)*

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Kuramoto does not disclose the support claim elements of amended claim 1, and those that depend therefrom. Therefore Kuramoto does not Anticipate the present claims.

Withdrawal of the Rejections is respectfully requested.

12. *Claims 1-34 stand Rejected under 35 U.S.C. 103(a) as Obvious over Kuramoto*

As stated by the Examiner, Kuramoto fails to disclose use of an inorganic oxide support, that the metallocene has fluoride ligands, or the presence of an anti-static agent.

The Examiner also notes elsewhere in the Action the unpredictability of the chemical arts. The Examiner is also well aware of, for instance, the difference supports can play given the same catalyst on different supports. Therefore the contention that the skilled person could substitute Applicants catalyst on the support of Kuramoto, and instantly achieve success is without foundation.

Kuramoto does not render Applicants' claims Obvious because at a minimum, the Examiner's assertion amounts merely to an "obvious to try" rejection, and is therefore improper.

Withdrawal of the Rejections is respectfully requested.

13. *Claims 1-4, 6-18, 20-23 and 26-34 stand Rejected Under 35 U.S.C. § 102(b) as Anticipated by U.S. 6,090,740 (Agapiou)*

Lacking disclosure of the claimed metallocene fluorides, as stated by the Examiner, Agapiou does not Anticipate the present claims.

Withdrawal of the Rejection is respectfully requested.

14. *Claims 1-34 stand Rejected under 35 U.S.C. § 103(a) as Obvious over Agapiou*

Lacking any disclosure or suggestion to metallocene difluorides, Agapiou fails to render Obvious the present claims.

Withdrawal of the Rejection is respectfully requested.

15. 16. *Claims 1-23 and 26-34 stand Rejected Under 35 U.S.C. § 102(b) as Anticipated by U.S. 2002/0032287 (McCullough)*

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There is no disclosure or suggestion in McCullough to a catalyst activity of at least 7,500 grams of polyethylene per gram of catalyst compound per hour.

Accordingly, the present claims are not Anticipated by McCullough.

16. *Claims 1-34 stand Rejected under 35 U.S.C. § 103(a) as Obvious over(McCullough)*

There is no disclosure or suggestion in McCullough to a catalyst activity of at least 7,500 grams of polyethylene per gram of catalyst compound per hour.

Accordingly, the present claims are not rendered Obvious by McCullough.

Withdrawal of the Rejections is respectfully requested.

17. No response necessary.

All of the Examiner's Rejections have been addressed.

The claims are in condition for allowance.

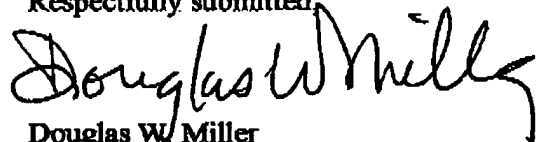
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Note is made that the correspondence should be sent to:

Douglas W. Miller
In representation of Univation Technologies, LLC
c/o Maureen M. White
5555 San Felipe, Suite 1950
Houston, Texas 77056
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (409) 763-4200.

Respectfully submitted,

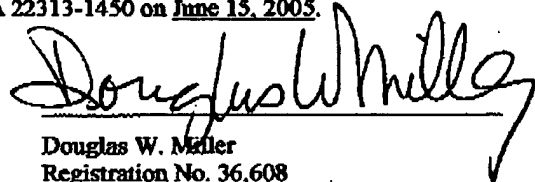


Douglas W. Miller
Agent for Applicants
Registration No. 36,608

Southwest Patent Services
305 21st Street, Suite 249
Galveston, Texas 77550
(409) 763-4200

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Douglas W. Miller
Registration No. 36,608